



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

December 11, 2018

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:32 A.M. on Tuesday, December 11, 2018.

### PRESENT

Councilmember Nancy Navarro, President	Councilmember Sidney Katz, Vice President
Councilmember Gabe Alborno	Councilmember Andrew Friedson
Councilmember Evan Glass	Councilmember Tom Hucker
Councilmember Will Jawando	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

The invocation was given by Reverend Kenneth Nelson, Seneca Community Church.

### GENERAL BUSINESS

#### A. **Announcements** - Agenda and Calendar Changes

- (.5) The Council is seeking applicants for the Board of Appeals. This position can only be filled by a Republican, a voter who is unaffiliated with a party, or a voter who is a member of another party officially recognized by the Board of Elections.
- (.6) The Council is seeking applicants for five positions on the Committee to Recommend Funding for the Public Election Fund. No more than three members can be from the same political party.

Ms. Limarzi, Clerk of the Council, announced an addendum to the agenda adding Item F to the consent calendar acknowledging receipt of Inspector General Report #19-002, A Review of Management Control Deficiencies Contributing to the Misappropriation of Montgomery County Economic

Development Funds; added Mr. Albornoz as a cosponsor to **Bill 40-18**, Secondhand Personal Property - Dealers - License; added a proposed closed session to consider matters that concern a proposal for a business or industrial organization to locate in the State, pursuant to Maryland Code, General Provisions Article §3-305 (b)(4) - topic: specific business locating in the County; and that applicants are being sought for the Board of Appeals and the Committee to Recommend Funding for the Public Election Fund as referenced above.

(1) B. **Acknowledgement - Receipt of Petitions**

There were no petitions received this week.

C. **Approved** the minutes of November 27, 2018, without objection.

**PRESENTATIONS**

B. A proclamation was presented by Mr. Friedson celebrating Suburban Hospital's 75<sup>th</sup> Anniversary.

(5) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Katz made the motion, which carried. Mr. Hucker and Mr. Rice were temporarily absent. Later in the meeting, Mr. Hucker and Mr. Rice indicated had they been present, they would have voted in the affirmative.

A. **Received and Released** the Office of Legislative Oversight (OLO) Report 2018-12, 2018 Evaluation of the Bethesda Urban Partnership. A Planning, Housing and Economic Development (PHED) Committee worksession is tentatively scheduled for January 17, 2019.

B. **Received and Released** OLO Report 2018-13, The Two-Generation Approach to Poverty in Immigrant Communities. A joint Health & Human Services (HHS) and Education and Culture (EC) Committee worksession is tentatively scheduled for February 14, 2019.

C. **Acknowledged and Received** the following Inspector General's reports: Erroneous Receipt of Pension Benefits by a Participant in the County Retirement System, Final Advisory Memorandum, OIG Report #19-001; Proposed Disposition of the former Silver Spring Library OIG, Preliminary Inquiry Memorandum, #19-001; Disposal of Surplus Scrap Metal by Montgomery County Government Offices, OIG Report #18-004; Disability Retirement and Long-Term Disability Programs, OIG Report #18-003. Upon review, future Committee worksessions may be scheduled.

- D. Adopted **Resolution 19-02**, extending time until June 30, 2019, for Council action on Repeal of Executive Regulation 66-89, Cave-In Team Response.
- E. Adopted **Resolution 19-03**, extending time until June 30, 2019, for Council action on Repeal of Executive Regulation 9-18, First Response for Trench Rescue Incidents.
- F. **Acknowledge Receipt** - The Council acknowledges receipt of Inspector General Report #19-002, A Review of Management Control Deficiencies Contributing to the Misappropriation of Montgomery County Economic Development Funds.

(6) **DISTRICT COUNCIL SESSION**

A. **Announcement** - The Council anticipates that the Planning Board will transmit a Master Plan and a Communities Sector Plan in late December. The Veirs Mill Corridor Master Plan will tentatively have a public hearing on Tuesday, January 29, 2019, at 7:30 P.M. and the MARC Rail Communities Sector Plan will tentatively have a public hearing on February 12, 2019, at 7:30 P.M.

B. **Introduction** - Zoning Text Amendment (ZTA) 18-12, Setback Exemptions - Fences

Introduced draft #1 of the subject ZTA, sponsored by Councilmember Riemer. A public hearing is scheduled for January 15, 2019, at 1:30 P.M.

C. **Introduction** - Zoning Text Amendment 18-13, Regional Shopping Center Overlay Zone - Standards

Introduced draft #1 of the subject ZTA, sponsored by Councilmember Riemer. A public hearing is scheduled for January 15, 2019, at 1:30 P.M.

D. **Introduction** - Zoning Text Amendment 18-14, Farm Alcohol Production - Residential Zones

Introduced draft #2 of the subject ZTA, sponsored by Councilmembers Riemer and Rice. A public hearing is scheduled for January 15, 2019, at 1:30 P.M.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #29**

(6.1) **Introduction of Bills:**

A. **Bill 40-18, Secondhand Personal Property - Dealers - License**

Introduced draft #1 of the subject bill, sponsored by Councilmembers Friedson and Katz, and co-sponsored by Councilmember Albornoz. Councilmembers Navarro and Riemer requested to be added as co-sponsors. A public hearing is scheduled for January 15, 2019, at 1:30 P.M.

**PRESENTATIONS** (*continued*)

A. A proclamation was presented by Mr. Rice recognizing the naming of the Maryland SoccerPlex as Best Soccer Facility in the Nation.

(2) **INTERVIEW - County Executive's appointee as Director of the Department of Recreation**

Interviewed Ms. Robin Riley, the County Executive's appointee for the position of Director, Department of Recreation.

(3) **INTERVIEW - County Executive's appointee as Director of the Office of Management and Budget (OMB)**

Interviewed Mr. Richard Madaleno, the County Executive's appointee for the position of Director, OMB.

(4) **INTERVIEW - County Executive's appointee as Chief Administrative Officer (CAO)**

Interviewed Mr. Andrew Kleine, the County Executive's appointee for the position of CAO.

With regard to future interviews, Ms. Navarro requested that Councilmembers share in advance with the Council President any intended questions.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #29 (continued)**

(7) **Call of Bills for Final Reading:**

A. **Expedited Bill 38-18, Weapons - Urban Area - Boundary**

Senior Legislative Analyst Zyontz reviewed the purpose of the Expedited Bill, as contained in the analyst packet.

Enacted draft #4 of **Expedited Bill 38-18**.

Mr. Katz made the motion and the expedited bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Hucker, Riemer, Albornoz, Rice, Friedson, Katz, Navarro.

(8) **UPDATE - Update on County revenues**

Participating in the discussion were Mr. Espinosa, Director, Mr. Platt, Chief Economist, and Mr. Hagedoorn, Division Chief for Fiscal Management, Department of Finance; Ms. Beck, OMB; Ms. Michaelson, Council Executive Director; and Mr. Smith, Legislative Analyst.

Ms. Michaelson noted that the County Executive has indicated he intends to recommend a savings plan and has asked each agency to submit reductions of approximately 1.5 percent of their budgets. She noted that a discussion is scheduled for January to review the factors affecting revenues and expenditures, and that no action was needed today.

Received an overview of current revenues, revenue projections, and economic indicators from the panel.

(2) **ACTION - Confirmation of County Executive's appointee as Director of the Department of Recreation**

Adopted **Resolution 19-04**, confirming the County Executive's appointment of Ms. Robin Riley as Director of the Department of Recreation.

Mr. Albornoz made the motion, which carried unanimously.

(3) **ACTION** - Confirmation of County Executive's appointee as Director of OMB

Adopted **Resolution 19-05**, confirming the County Executive's appointment of Mr. Richard Madaleno as Director of OMB.

Mr. Katz made the motion, which carried unanimously.

(4) **ACTION** - Confirmation of County Executive's appointee as CAO

Adopted **Resolution 19-06**, confirming the County Executive's appointment of Mr. Andrew Kleine as CAO.

Mr. Riemer made the motion, which carried unanimously.

**Motion to Close**

The Council adjourned the open session at 12:28 P.M. and reconvened in closed session from 12:31 P.M. to 1:04 P.M. in the 3<sup>rd</sup> floor Council Conference Room. Mr. Katz made the motion, which carried unanimously.

**Report of Closed Session of December 11, 2018**

In compliance with Section 3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, December 11, 2018. The Council convened in closed session at 12:31 P.M. in the 3<sup>rd</sup> floor Council Conference Room to consider matters that concern the proposal for a business or industrial organization to locate, expand, or remain in the State, pursuant to Maryland Code, General Provisions Article §3-305 (b)(4). Topic was a specific business locating in the County.

The meeting was closed on a motion by Mr. Katz, which carried without objection. The following persons were present: Councilmembers Navarro, Katz, Albornoz, Glass, Friedson, Hucker, Jawando, Rice and Riemer; Confidential Aides Silverman, Carranza, Mandel-Trupp, Gibson, Goldstein, Ikheloa, Nurmi, Kunes, and Thorne; Ms. Ledner, Aide to Councilmember Rice; Mr. Elrich, County Executive; Mr. Tibbitts and Ms. Spielberg, County Executive's Office; Ms. Michaelson, Council Executive Director; Mr. Drummer, Senior Legislative Attorney; Mr. Smith, Legislative Analyst; Ms. Limarzi, Clerk of the Council; and Ms. Paradise, Deputy Clerk.

**Action:** Provided guidance to Executive Branch staff.

This is a correct copy of Council action.

*Approved/Signed by the Clerk*

---

Megan Davey Limarzi, Esq.  
Clerk of the Council